

NAFR

HIGH COURT OF CHHATTISGARH, BILASPUR**M.Cr.C. No. 3306 of 2021**

Kuleshwar @ Chunnu Ram Barle S/o Late Shri Soni Barle Aged About 20 Years R/o Tiranga Chowk Dhawalpur, Police Station And Tahsil Mainpur, District Gariyaband Chhattisgarh.

---- Applicant**Versus**

State Of Chhattisgarh Through S.H.O., Police Station Mainpur, District Gariyaband Chhattisgarh.

---- Respondent

For the Applicant : Shri Ravindra Sharma, Advocate.
For the Respondent/State : Smt. Hamida Siddique, Dy. A.G.

Hon'ble Shri Justice Rajendra Chandra Singh Samant**ORDER****17.08.2021**

Heard.

1. This is the first bail application filed under Section 439 of the Code of Criminal Procedure, 1973 for grant of regular bail to the applicant who has been arrested in connection with Crime No.37 of 2021, registered at Police Station – Mainpur, District – Gariyaband, Chhattisgarh for the offence punishable under Section 354 of the Indian Penal Code and Section 8 of the Protection of Children from Sexual Offences Act, 2012.
2. Learned counsel for the applicant submits that the applicant is in jail since 14.4.2021 and has been falsely implicated in this case. The charge-sheet has been filed. Hence, it is prayed that the applicant be enlarged on bail.

3. On the other hand, learned counsel for the State opposes the bail application and the submissions made in this respect. It is submitted that there is direct statement present against the applicant. Hence, the applicant is not entitled for grant of regular bail.

4. Notice issued to the complainant/ informant has been returned served on 11.8.2021 and on that date, there was no appearance or representation from the complainant side.

5. Heard counsel for both the parties and perused the case diary.

6. According to the prosecution case, on the date of incident, this applicant caught hold of the hand of the minor prosecutrix aged about 14 years and made an attempt to kiss her and thus, he outraged her modesty.

7. Considered the submissions and the facts present in this case. Looking to the likelihood delay in conclusion of trial against the applicant, I feel inclined to grant regular bail to the applicant in this case.

8. Accordingly, the bail application filed under Section 439 of the Cr.P.C. is allowed.

9. It is directed that applicant shall be released on bail on his furnishing a personal bond in the sum of Rs.25,000/- with one surety in the like sum to the satisfaction of the concerned trial Court, for his appearance as and when directed. In case any default is committed by the applicant/s in appearing

before the concerned trial Court, this order granting bail shall stand cancelled automatically.

Sd/-

(Rajendra Chandra Singh Samant)
Judge

Nimmi